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7 *Counsel for Hyundai Corporation USA*

FILED

JUL 29 2019 ^{MT}

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

8 **UNITED STATES BANKRUPTCY COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

10 In re

11 PG&E CORPORATION

12 -and-

13 PACIFIC GAS & ELECTRIC COMPANY,

14 Debtors.

Bankruptcy Case Nos. 19-30088 (DM) (Lead
Case)
19-30089 (DM)

Chapter 11

(Jointly Administered)

**NOTICE OF CONTINUED
PERFECTION, MAINTENANCE AND
ENFORCEMENT OF MECHANICS LIEN
CLAIM PURSUANT TO 11 U.S.C. §
546(b)(2)**

15 ☐ Affects PG&E Corporation

16 ☒ Affects Pacific Gas and Electric
17 Company

18 ☐ Affects both Debtors

*All papers shall be filed in the Lead Case,
No. 19-30088 (DM)

19 PLEASE TAKE NOTICE that Hyundai Corporation USA ("Hyundai") by and
20 through its undersigned counsel, hereby gives notice (the "Notice") of continued perfection of its
21 mechanics lien (the "Mechanics Lien" or the "Lien") under section 546(b)(2) of the United States
22 Bankruptcy Code (the "Code"), as follows:

23
24 Hyundai is a corporation that has provided and delivered labor, services,
25 equipment, and materials for the improvement of projects on the real property located in City of
26 Fall River Mills, County of Shasta, California, and more particularly located at Pacific Gas &
27 Electric Company, End of Pit 1 Powerhouse Road, Off Highway 299, Fall River Mills, CA 96028
28 (the "Property"), which is owned or reputed to be owned by Debtor Pacific Gas & Electric

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NOTICE OF CONTINUED PERFECTION, MAINTENANCE AND ENFORCEMENT OF MECHANICS LIEN CLAIM
PURSUANT TO 11 U.S.C. § 546(b)(2)

1 Company (the "Debtor"). The delivered labor, services, equipment, and materials were provided
2 to the Debtor pursuant to a contract entered into between Hyundai and the Debtor, effective as of
3 October 3, 2017 (the "Master Agreement"). Under Purchase Order # 2700024103, which arises
4 under the Master Agreement, the Debtor owes \$1,142,294.00, plus interest thereon at the legal
5 rate from January 31, 2019, related to the gray colored Transformer, serial # US-200507-010-
6 TCT, which Hyundai manufactured and then installed at the Property.

7 On April 30, 2019, Hyundai properly perfected its Mechanics Lien under
8 California Civ. Code §§ 8400, et seq. by timely recording its Mechanics Lien in the Official
9 Records of Shasta County, Record # 2019-0011508, as more fully described in its Mechanics
10 Lien, a true copy of which is attached hereto as Exhibit A.

11 Pursuant to California Civ. Code § 8460, an action to enforce a lien must be
12 commenced within 90 days after the recordation of the mechanics lien. However, due to the
13 automatic stay set forth in section 362 of the Code and effective as of January 29, 2019, Hyundai
14 is precluded from filing a state court action to enforce its Mechanics Lien.

15 Pursuant to section 546(b)(2) of the Code, Hyundai hereby gives notice in lieu of
16 the commencement of any such action to perfect, maintain, or continue the perfection of its Lien.
17 Hyundai is filing and serving this Notice to preserve, perfect and maintain the perfection of its
18 Lien and its rights in the Property to comply with the requirements set forth in sections 362 and
19 546 of the Code, California state law, and any other applicable law. By this Notice, the Debtor
20 and other parties in interest are estopped from claiming that the lawsuit to enforce the Mechanics
21 Lien was not timely commenced pursuant to applicable state law. Hyundai intends to enforce its
22 lien rights to the fullest extent permitted by applicable law. The interests perfected, maintained,
23 or continued by section 546(b)(2) extend in and to the proceeds, products, offspring, rents, or
24 profits of the Property.

25 The filing of this Notice shall not be construed as an admission that such filing is
26 required under the Code, the California mechanics lien law, or any other applicable law. In
27 addition, Hyundai does not make any admission of fact or law, and Hyundai asserts that its Lien

1 is senior to and effective against any entities or persons that may have acquired rights or interests
2 in the Property previously.

3 Hyundai asserts a secured interest in the Property to the fullest extent allowed by
4 applicable law, including interest under the legal rate from January 31, 2019. Further, Hyundai
5 reserves the right to supplement and/or amend this Notice and reserves any and all other rights
6 under applicable law.

7
8 Dated: July 29, 2019
9 New York, New York

HUGHES HUBBARD & REED LLP

10 By: /s/ Kathryn A. Coleman
11 Kathryn A. Coleman

12 One Battery Park Plaza
13 New York, New York 10004
14 Telephone: (212) 837-6000
15 Facsimile: (212) 422-4726
16 katie.coleman@hugheshubbard.com

17 *Counsel for Hyundai Corporation USA*
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NOTICE OF CONTINUED PERFECTION, MAINTENANCE AND ENFORCEMENT OF MECHANICS LIEN CLAIM
PURSUANT TO 11 U.S.C. § 546(b)(2)

EXHIBIT A

RECEIVED
b
HF
ce
m
W



2019-0011508

Recorded	REC FEE	29.00
Official Records		
County of	CONFORMED COPY	0.00
Shasta	HOUSING FEE	75.00
Leslie Morgan		
Assessor-Recorder		

01:44PM 30-Apr-2019 JU Page 1 of 6

RECORDING REQUESTED BY:

Mr. Sa Hoon Park
Hyundai Corporation USA
21250 Hawthorne Blvd. #775
Torrance, CA 90503

WHEN RECORDED MAIL:

Hughes Hubbard & Reed LLP
One Battery Park Plaza
New York, NY 10004
Attn: Kathryn A. Coleman, Esq.

SPACE ABOVE THIS LINE FOR RECORDER USE ONLY

Claim of Mechanics Lien

DOCUMENT TITLE

Separate page pursuant to Government Code § 27361.6

RECORDING REQUESTED BY:

Mr. Sa Hoon Pack
Hyundai Corporation USA
21250 Hawthorne Blvd. #775
Torrance, CA 90503

AFTER RECORDING RETURN TO:

Hughes Hubbard & Reed LLP
One Battery Park Plaza
New York, NY 10004
Attn: Kathryn A. Coleman, Esq.

For Recorder's Use

CLAIM OF MECHANICS LIEN
(Cal. Civ. Code § 8416, et seq.)

Hyundai Corporation USA ("Claimant") hereby claims a mechanics lien on the real property in the City of Fall River Mills, County of Shasta, California, and more particularly located at Pacific Gas & Electric Company, End of Pit 1 Powerhouse Road, Off Highway 299, Fall River Mills, CA 96028 (the "Property"), owned or reputed to be owned by Pacific Gas & Electric Company, for the sum of \$1,142,294.00, plus interest thereon at the legal rate from January 31, 2019, which is due and unpaid (after deducting all just credits and offsets) for labor, services, materials and equipment furnished by Claimant, pursuant to a contract entered into by Claimant and Pacific Gas & Electric Company, effective as of October 3, 2017 (the "Master Agreement"). Under Purchase Order # 2700024103, which arises under the Master Agreement, Claimant is due and unpaid for labor, services, materials and equipment related to the gray colored Transformer, serial # US-200507-010-TCT, located at the Property.

Claimant was contracted to furnish the same by/furnished the same to Pacific Gas & Electric Company under contract with Steve Coleman, Senior Director of Sourcing at Pacific Gas & Electric Company. The name and address of the owner(s) or reputed owners(s) of the real property is/are: Pacific Gas & Electric Company, 77 Beale Street, 32nd Floor, San Francisco, CA 94105.

Dated: April 29, 2019

By: 
Sa Hoon Pack

Hyundai Corporation USA
21250 Hawthorne Blvd. #775
Torrance, CA 90503
Telephone: (424) 254-2390
Email: shpack@hyundaicorp.com

VERIFICATION

I am the President of Hyundai Corporation USA and the foregoing Claim of Mechanics Lien is true of my own knowledge, except for matters stated in it on the basis of my information or belief, and as to those matters I believe it to be true.

ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Los Angeles }

On April 29, 2019 before me, Maria Alejandra Kaiser, Notary Public
(Here insert name and title of the officer)

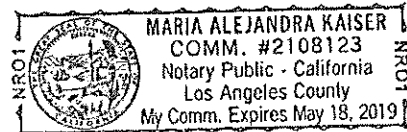
personally appeared Sa Hoon Park,
who proved to me on the basis of satisfactory evidence to be the person(s) whose
name(s) is/are subscribed to the within instrument and acknowledged to me that
he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by
his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Maria Alejandra Kaiser
Notary Public Signature

(Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
☐ Corporate Officer

(Title)

- ☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/~~she/they~~, is /~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: April 29, 2019

By: 
Sa Hoon Pack

Hyundai Corporation USA
21250 Hawthorne Blvd. #775
Torrance, CA 90503
Tel: (424) 254-2390
shpack@hyundaicorp.com

NOTICE OF MECHANICS LIEN

ATTENTION!

Upon the recording of the enclosed MECHANICS LIEN with the county recorder's office of the county where the property is located, your property is subject to the filing of a legal action seeking a court-ordered foreclosure sale of the real property on which the lien has been recorded. That legal action must be filed with the court no later than 90 days after the date the mechanics lien is recorded.

The party identified in the enclosed mechanics lien may have provided labor or materials for improvements to your property and may not have been paid for these items. You are receiving this notice because it is a required step in filing a mechanics lien foreclosure action against your property. The foreclosure action will seek a sale of your property in order to pay for unpaid labor, materials, or improvements provided to your property. This may affect your ability to borrow against, refinance, or sell the property until the mechanics lien is released.

BECAUSE THE LIEN AFFECTS YOUR PROPERTY, YOU MAY WISH TO SPEAK WITH YOUR CONTRACTOR IMMEDIATELY, OR CONTACT AN ATTORNEY, OR FOR MORE INFORMATION ON MECHANICS LIENS GO TO THE CONTRACTORS' STATE LICENSE BOARD WEB SITE AT www.cslb.ca.gov.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

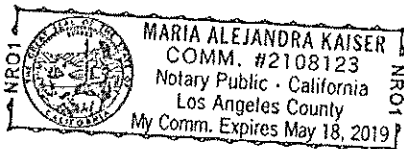
On April 29, 2019 before me, Maria Alejandra Kaiser, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Sa Hoon Park
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

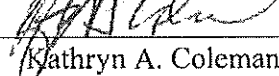
PROOF OF SERVICE

KATHRYN A. COLEMAN, an attorney, hereby certifies under penalty of perjury that on April 29, 2019, she caused a true and correct copy of Hyundai Corporation USA's CLAIM OF MECHANICS LIEN and NOTICE OF MECHANICS LIEN on Pacific Gas & Electric Company named below by certified mail, return receipt requested, at the addresses shown below:

Owner: Pacific Gas & Electric Company
77 Beale Street
San Francisco, CA 94105

Dated: April 29, 2019
New York, New York

HUGHES HUBBARD & REED LLP

By: /s/ 
Kathryn A. Coleman

One Battery Park Plaza
New York, New York 10004-1482
Tel: (212) 837-6000
Fax: (212) 299-4726
katie.coleman@hugheshubbard.com

Counsel for Hyundai Corporation USA